

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 09-045
V.	*	SECTION: "R"
ARGEMIRO CAICEDO BONILLA	*	
a/k/a Edgar Caiceda Bonilla		
a/k/a Manlo Caicedo	*	
a/k/a Argemiro Caicedo-Bonilla		
a/k/a Argemiro Caiceda Bonilla	*	
a/k/a Ajemiro Caisido		
a/k/a Argemiro Caicedo	*	
	*	*

_____Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **ARGEMIRO CAICEDO BONILLA**(hereinafter “**CAICEDO**”) has agreed to plead guilty as charged to the two-count indictment charging him with being a stowaway on a vessel in violation of Title 18, United States Code, Section 2199 and illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

The Master of the M/V B. Europa would testify that on or about January 22, 2009, he piloted the M/V B. Europa from Palua, Venezuela to Convent, Louisiana. While anchored in Convent, Louisiana, in St. James Parish in the Eastern District of Louisiana, after departure from Palau, Venezuela, a crewmember of a nearby tugboat saw some individuals in wetsuits standing on the rudder of the M/V B. Europa. Various law enforcement agencies and the crew of the M/V B. Europa were alerted, and two males were encountered and removed from the vessel's rudder by officers from the St. James Parish Sheriff's Office. Officers from U.S. Customs and Border Protection (hereinafter "CBP") questioned the males, determined that one was the defendant **CAICEDO** and that he was onboard the vessel without the consent of the Master or any other person in command of the vessel.

A CBP Officer (hereinafter "Officer") would testify that upon questioning **CAICEDO** under oath after being read him his *Miranda* rights, the defendant stated that he was a citizen of Colombia and illegally in the United States. The Officer confirmed the defendant's status through the CBP computer database.

The Officer would further testify that he determined that while the M/V B. Europa was docked in Venezuela, **CAICEDO** paid a fishing boat driver to drive him to the rudder of the vessel where the defendant boarded it and concealed himself by hiding in the rudder trunk. **CAICEDO** hid aboard the vessel without assistance or permission from any of the

vessel's crew. **CAICEDO** entered the United States as a stowaway on board the vessel in order to live and work here. **CAICEDO** was aware that the vessel was en route to the United States. The Officer also determined that **CAICEDO** remained onboard the vessel from the time he boarded it in Venezuela until it docked at Convent, Louisiana.

Documentation from the records of Immigration and Customs Enforcement contained in the defendant's Alien file, including the Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **CAICEDO**, was removed from the United States to Colombia on or about May 9, 2000. A qualified New Orleans Police Department Latent Fingerprint Examiner would testify that the fingerprints of the individual documented in the Immigration and Customs Enforcement Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are the same.

A Certificate of Non-Existence of Record would show that the defendant, **CAICEDO**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

Further, documents, court records, and other admissible evidence would show that on or about August 8, 1996, in the United States District Court for the Eastern District of New

York, the defendant, **CAICEDO**, was convicted of conspiracy to distribute and to possess with intent to distribute cocaine.

ROBERT WEIR
Special Assistant United States Attorney

Date

ARGEMIRO CAICEDO BONILLA
Defendant

Date

SAMUEL SCILLITANI
Attorney for Defendant

Date